

Exhibit 61

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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COALITION FOR TJ, :
Plaintiff, :
v. : Civil Action No.:
FAIRFAX COUNTY SCHOOL : 1:21-cv-00296-CMH-JFA
BOARD, :
Defendant. :

-----x

Deposition of JEREMY SHUGHART

McLean, Virginia

Thursday, October 14, 2021

9:14 a.m.

CONFIDENTIAL

Job No.: 403754

Pages: 1 - 209

Reported by: Judith E. Bellinger, RPR, CRR

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CONFIDENTIAL
Transcript of Jeremy Shughart
Conducted on October 14, 2021

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1 lottery. It could have been combined. I really
2 don't remember now.

3 Q Okay. Can you look at that scoring
4 system that's on the next page there, page 3, I
5 think it says, document?

6 A Sure. Where at the top it says
7 "Teacher" --

8 Q "Teacher Recommendation Points." Yeah.
9 Had you -- in your time as admissions
10 director, had you ever, before, had an explicit
11 scoring system where you get points for
12 applications before?

13 A No. Not during my time.

14 Q So this is a new proposal?

15 A This would have been new.

16 Q Okay. Can you flip to the next page.

17 A (The witness complies.)

18 Q Can you explain what experience factors
19 are?

20 A Experience factors were the students'
21 experiences in an academic setting, as represented
22 by the table below.

1 MR. KIESER: Back on the record.

2 (Shughart Exhibit 13 marked for
3 identification and attached to the transcript.)

4 MR. KIESER: And the Bates number on
5 this one is 21813.

6 BY MR. KIESER:

7 Q Let me start with, do you recognize
8 this document?

9 A I do.

10 Q Is it an email exchange between you
11 and, I believe, Superintendent Brabrand and Marty
12 Smith and, I believe, John Foster is copied on
13 that?

14 A Correct. It was an email that Scott --
15 the superintendent sent to myself, Marty, and
16 John, and then kind of short back-and-forth
17 between the group.

18 Q Can you read the email that
19 Superintendent Brabrand sent on the second page?
20 You may have to undo the --

21 A The email -- do you want me to read it
22 out loud?

1 Q Yeah.

2 A "Marty, in the old days with points,
3 would 200 points change who got in? That is the
4 modeling that they are asking about. Can" -- I'm
5 not sure, it's under the staple.

6 Q Can we.

7 A "Can we go back and look at points?
8 Would 200 points be a game changer?"

9 Q Okay. To the best of your
10 understanding, when Superintendent Brabrand says
11 "That is the modeling they are asking about," is
12 he referring to the school board members there?

13 MS. REWARI: Objection. Calls for
14 speculation. Lack of foundation.

15 Q To the best of your understanding, you
16 can answer.

17 A I would assume so.

18 Q To your understanding, when he says
19 "change who got in," does that refer to the racial
20 composition of TJ's admitted classes?

21 MS. REWARI: Objection. Calls for
22 speculation. Lack of foundation.

1 Q So that -- did that mean that the
2 students who would not have received the
3 1.5 percent allotment, then they would be into the
4 unallocated pool?

5 A Yes.

6 Q Where they would not receive the 45
7 points because they did not attend an
8 underrepresented middle school?

9 A From these schools?

10 Q Yeah.

11 A Yes.

12 Q And they would have to compete against
13 private schools and homeschool students in that
14 unallocated pools?

15 A Yeah. All students would compete.

16 Q Did you ever do any analysis, after the
17 2025 admission positions were released, to
18 determine what the racial effect of the
19 underrepresented school bonus points were?

20 MS. REWARI: Objection to the extent it
21 calls for any analysis done at the request of
22 counsel.

No. 403754

Re: Deposition of **Jeremy Shughart**

Date: 10/14/2021

Case: Coalition for TJ -v- Fairfax County School Board

Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Jeremy Shughart, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

11/19/21

(Date)

Jeremy Shughart

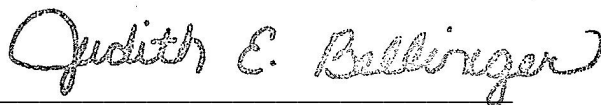
(Signature)

1 CERTIFICATE OF REPORTER - NOTARY PUBLIC

2 I, JUDITH E. BELLINGER, RPR, CRR, the
3 officer before whom the foregoing deposition was
4 taken, do hereby certify that the foregoing
5 transcript is a true and correct record of the
6 testimony given; that said testimony was taken by
7 me and thereafter reduced to typewriting under my
8 direction; that reading and signing was requested;
9 and that I am neither counsel for, related to, nor
10 employed by any of the parties to this case and
11 have no interest, financial or otherwise, in its
12 outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this 2nd day
15 of November, 2021.

16 My Commission Expires: September 30, 2024
17
18

19 
20

21 NOTARY PUBLIC IN AND FOR
22 THE COMMONWEALTH OF VIRGINIA

Message

From: Shughart, Jeremy A [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=77ED93A9176E4058A2847967265E7289-SHUGHART, J]
Sent: 9/27/2020 8:51:24 PM
To: Hruda, Ludmila (Lidi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=717d2cd6b4994ec7be716f560bdf6627-Hruda, Ludm]
CC: Smith, Marty K. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3c2c491ce64b00ae90e8b694fa324a-Smith, Mart]
Subject: TJ Admissions White Paper - Alternative
Attachments: TJHSST_Alternate_White_paper_v2.docx

Lidi,

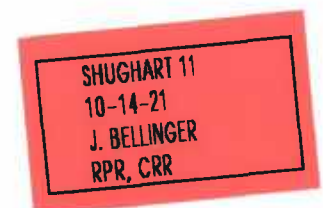
Good afternoon, I wanted to share a draft of our alternate white paper proposal for admissions. Could you look specifically at the table for "Experience Factors" and provide us a review of our current weighting and whether or not this would be enough to level the playing field for our historically underrepresented groups. Legal counsel has Attorney Client Privile
Attorney Client Privilege Additionally, you can review the other weighting (similar to the old version of the points weighting of components).

The table is similar to the table we used with the previous white paper you reviewed this past spring. We are providing an alternative approach to the lottery proposal from a couple of weeks ago.

Note: I will be away from my computer for the next week hours. However, I will be back later this evening to answer any questions you may have. Please include Marty on the message as we have been working on this draft over the last few days and will be sharing with cabinet in the next day or so.

Thanks,
Jeremy

Jeremy Shughart, EDS.
Director of Admissions
Thomas Jefferson High School for Science and Technology
Fairfax County Public Schools
571-423-3770



TJHSST Admissions Alternate White Paper on Admissions

TJHSST Admissions will select students using multiple pathways. Fairfax County will provide 5 pathways based on a regional approach. The participating jurisdictions will also be assigned a pathway for each county or city. The pathway process will be based on a 70%/30% model. 70% of students would be selected from Fairfax County (5 pathways) and 30% of students will be selected from our participating jurisdictions combined.

All applicants must meet minimum requirements; GPA, enrollment in Algebra I and residency. Student selection will be conducted using the following process. This process combines a holistic evaluation of Teacher Recommendations, Student Information Sheet (SIS), and Problem- Solving Essay. Additionally, weighted evaluations of diversity will also be included.

Grade Point Average (GPA)

- Minimum Requirement – 3.5 GPA
- Grade point average will be calculated based on a student's core GPA.
 - End of the year marks in 7th grade and 1st Quarter 8th grade.
 - Mathematics, Science, English, History & World Language (only if taken for High School Credit)
 - Grades are unweighted

Math Enrollment

- Applicants must be enrolled in Algebra I or have a credit for Algebra I.
- Students in higher level classes or honors/AP/IB level class don't receive additional weight in selection process.

Residency

- Applicants must meet residency requirements by participating jurisdictions
- Applicants Residency will place student in specified pathway
- Pathways
 - Fairfax (350 seats) – regional seats are based on 8th grade student enrollment in schools based on region and are proportional representation
 - Region 1 (73 seats)
 - Region 2 (77 seats)
 - Region 3 (67 seats)
 - Region 4 (72 seats)
 - Region 5 (61 seats)
 - Participating Jurisdictions (150 seats) – participating jurisdiction seats are based on Fairfax and participating jurisdictions historical admissions numbers of offers and acceptance.
 - Arlington (18 seats)
 - Falls Church City (2 seats)
 - Loudoun (62 seats)
 - Prince William (68 seats)

Teacher Recommendations (200 points)

- Two Teacher Recommendations will be submitted.
 - Teachers will be from 6th (this year only due to Covid), 7th or 8th Grade
 - One teacher must be a STEM teacher (Math, Science, etc.)
 - The other teacher is applicant choice

Student Information Sheet (200 points)

- Questionnaire
 - Collaborator
 - Communicator
 - Creative & Critical Thinker
 - Ethical/Global Citizen
 - Goal-Directed & Resilient Individual
 - Innovator
 - Leader
 - Problem Solver

Problem-Solving Essay (250 points)

- Math or Science Based problem.
 - Multiple Variables
 - Student produces an answer
 - Student demonstrates ability to solve problem
 - Response in essay format

Experience Factors (100 points)

- Weighting will be calculated for students in multiple diversity categories.

Socio-economic Factors	0 or 15		School Leadership	0 to 12
Free/Reduced Meals			Response to Leadership	
English Language Learner	0 or 15		STEM Skills	0 to 6
Level 1-6			Top 3 Awards/Projects/Skills	
Special Education	0 or 15		Hardship	0 to 10
IEP			Homelessness, economic responsibility, Extenuating Circumstances, family/personal crisis, 504, etc.	
Parental Education Level	0 or 15			
HS Diploma, College Diploma or Beyond				
Extracurricular	0 to 6			
Listing of Experiences				
Community Service	0 to 6			
Listing of Experiences				
			Total	0 to 100

Pathway Selection

- Each pathway will select students based on a composite score after a holistic review. Applicants with the highest composite score in each pathway will be offered admissions (up to maximum number of offers per pathway).
- Each applicant is subject to an audit review of diversity factors.
 - Academic Integrity is Critical.
 - Audit may contain the following but is not limited too.
 - Documentation of all claims of parental education level, extracurricular activities, community service, STEM skills, hardship, etc.
 - A student who is found to be dishonest and provided responses that are of a deceptive nature will be removed from the application process and will not be eligible for an offer of admission.
 - A student who has been offered admissions and is found to be dishonest will have the offer of admissions rescinded.
- Rolling Admissions
 - Students offered admissions
 - Students have designated timeframe to accept or reject their offer
 - Rolling admissions are established to keep a class of 500
 - Each pathway will maintain a list of students not selected
 - Openings will be filled by the next eligible applicant on the list
 - Should a non-FCPS pathway exhaust its list of students, the next eligible candidate with the high composite score off the FCPS list will be chosen.

- As needed, additional applicants will be offered on the 1st and 15th of every month through end of 1st Quarter in order to maintain a class of 500.
- Any student who declines the offer of admission will be removed from eligibility.

Appeals Process

- An Appeal form must be submitted within 10 business days of admissions decisions announcement. The Appeal form will ask the parent and/or guardian to provide a written explanation of the exceptional circumstance that the Appeals Committee is to consider.
- The Appeal form must be submitted to the TJHSST Admissions Office. The TJHSST Admissions Office will ensure all appeal documents are submitted to the Appeals Committee. The parent and/or guardian is not allowed to submit additional credentials, documents or letters of recommendation.
- The Appeals Committee will review the appeal.
- The decision of the Appeals Committee will be communicated to the parent and/or guardian in writing and the Appeals Committee decision shall be final.

Message

From: Shughart, Jeremy A [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=77ED93A9176E4058A2847967265E7289-SHUGHART, J]
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CC: Smith, Marty K. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3c2c491ce64b00ae90e8b694fa324a-Smith, Mart]
Subject: RE: TJ Admissions White Paper - Alternative

Lidi,

Thank you so much for the feedback. I agree that we need to consider how this will be considered and whether there was enough weighting involved. The maximum amount of points you would receive would only be around 14%, so it isn't impacting at a very high level. I wasn't sure if doubling the points would have been too much weight but your points are very valid in perspective that most students won't receive all points but a portion and for it to make an impact you would need to have an increased capacity.

Thanks again,
Jeremy

Jeremy Shughart, EDS.

Director of Admissions
Thomas Jefferson High School for Science and Technology
Fairfax County Public Schools
571-423-3770

From: Hruda, Ludmila (Lidi) <LZHruda@fcps.edu>
Sent: Sunday, September 27, 2020 9:46 PM
To: Shughart, Jeremy A <jshughart@fcps.edu>
Cc: Smith, Marty K. <mksmith@fcps.edu>
Subject: RE: TJ Admissions White Paper - Alternative

Jeremy,

Thank you for sharing this with me. Attached are some comments embedded within the document. Not stated in the document is the answer to the question you asked. It is hard to know exactly what will level the playing field but my gut says that you may need to double all the points (and the total) so that applicants can receive up to 200 points overall for these experience factors.

My logic is the following: There are already 650 points accounted for in the other areas – teacher recommendations, SIS, and essay.

- Prior research on TJ admissions shows that historically underrepresented candidates receive less positive teacher recommendations than White and Asian candidates. This is older work but there is nothing more recent to indicate this has changed. This is likely true for other challenges like living in poverty and special ed – though the numbers weren't big enough to really examine this.
- The other two pieces, SIS and essay have also historically favored White and Asian candidates, I believe, who had broader experiences upon which to draw and often coaching on how to approach each piece.
- Thus, I think we can expect these three pieces to yield similar results to what we have seen with the testing as a part of the process, rather than vastly different results. Maybe not identical but not too far from where we currently stand with admissions.
- That leaves only the Experience Factors to help shift the landscape and bring more diversity into play and acceptance of historically underrepresented students. Since the experience factors include things that some

more privileged students are likely to get points on, as well as factors that less privileged students are likely to get points on, I think we can assume that the potential advantage from the Experience Factors is likely to be at most 50 points and more likely only 25 points for most students since they are not likely to get credit for all the experience factors. Not meaning that they get 25-50 points but they get maybe 50-75 points, while more privileged students are getting 25, netting a 25-50 point bump for those less privileged.

- Whether 25 or 50 points, that means the gap coming out of the first three pieces would need to be in that range to balance things. I think you will find that the gap is broader than that and that the bump up from the Experience Factors will be insufficient to make up for the difference.

Maybe I am being too pessimistic and, undoubtedly, some might argue that providing students with a 50 to 100 point advantage from the Experience Factors is inappropriate. Nonetheless my gut says the 25 to 50 point advantage a non-privileged student might gain from the Experience Factors will not level the field given the three other parts of the process.

Happy to discuss further.

Lidi

Lidi Hruda

Director

Office of Research and Strategic Improvement

Fairfax County Public Schools

Office: 571-423-1435

Mobile: 571-385-8165

From: Shughart, Jeremy A <jshughart@fcps.edu>

Sent: Sunday, September 27, 2020 4:51 PM

To: Hruda, Ludmila (Lidi) <LZHruda@fcps.edu>

Cc: Smith, Marty K. <mksmith@fcps.edu>

Subject: TJ Admissions White Paper - Alternative

Importance: High

Lidi,

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